



Miami-Dade County Board of County Commissioners

Office of the Commission Auditor

Legislative Analysis

**Intergovernmental, Recreation and Cultural
Affairs Committee**

January 18, 2006

9:30 AM

Commission Chamber

Charles Anderson, CPA
Commission Auditor

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**Miami-Dade County Board of County Commissioners
Office of the Commission Auditor**

Legislative Analysis

**Intergovernmental, Recreational and Cultural Affairs Committee
Meeting Agenda**

January 18, 2006

Written analyses for the below listed items are attached for your consideration in this Legislative Analysis.

Item Number(s)

2B	
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If you require further analysis of these or any other agenda items, please contact Guillermo Cuadra, Chief Legislative Analyst, at (305) 375-5469.

Acknowledgements--Analyses prepared by:
Jason T. Smith, Legislative Analyst

LEGISLATIVE ANALYSIS

RESOLUTION ENCOURAGING THE FLORIDA LEGISLATURE TO AMEND FLORIDA STATUTE 316.211 TO REQUIRE THE USE OF PROTECTIVE HEADGEAR FOR ALL OPERATORS AND RIDERS OF MOTORCYCLES

Commissioner Barbara J. Jordan

I. SUMMARY

This resolution urges the Florida Legislature to amend Florida Statute 316.211 to require motorcycle drivers and riders wear protective headgear, or helmets, at all times.

II. PRESENT SITUATION

In 2000, the Florida Legislature adopted Section 6 of Chapter No. 2000-313, Laws of Florida, to amend Florida Statute 316.211 dealing with the equipment for motorcycle and moped riders. The amended statute repealed the requirement that all motorcycle drivers and passengers wear safety helmets as long as said person is at least 21-years-old and covered by a medical insurance policy of at least \$10,000.

When the repeal was enacted, Florida joined Texas and Louisiana as the only three states in the America to have age and insurance requirements regarding helmet usage. By comparison, 20 states require motorcyclists wear helmets; 23 states do not require motorcyclists of a certain age to wear helmets; and four states have no helmet requirement at all.

III. POLICY CHANGE AND IMPLICATION

Numerous studies have been conducted to gauge the impact of the revised statute regarding motorcyclist helmet use.

The National Highway Traffic Safety Administration (NHTSA) reported that in the three years following the 2000 repeal of the Florida law, 933 bikers were killed. This represented an 81 percent increase in motorcycle fatalities from the 515 motorcyclists killed from 1997-1999. Consequently, the NHTSA found that in the 30 months after the law changed, the cost of hospital care related to motorcycle injuries spiked from \$21 million to \$44 million.

According to a report published in the Journal of Trauma-Injury Infection & Critical Care, in the six-months before the repeal of the helmet law, 52 cases involving motorcycle crashes were logged at UM/Jackson Memorial Medical Center. In the same period after the law was repealed, the hospital recorded 94 cases related motorcycle injuries.¹

¹ "The Impact of a Repealed Motorcycle Helmet Law in Miami-Dade County," Journal of Trauma-Injury Infection & Critical Care. 52(3):469-474, March 2002.

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IV. ECONOMIC IMPACT

None.

V. COMMENTS AND QUESTIONS

See Attachment

CURRENT U.S. MOTORCYCLE AND BICYCLE HELMET LAWS

as of September 2005

State	Motorcycle helmets		Bicycle helmets (Local law may require helmet use for some or all bicyclists)	
	Universal law (covers all riders)	Partial law (covers young riders or some adult riders)	Bicyclists covered by state law	No state law
Alabama	X		15 and younger	
Alaska		17 and younger ¹		X
Arizona		17 and younger		X
Arkansas		20 and younger		X
California	X		17 and younger	
Colorado	no motorcycle helmet use law			X
Connecticut		17 and younger	15 and younger	
Delaware		18 and younger	15 and younger	
District of Columbia	X		15 and younger	
Florida		20 and younger ²	15 and younger	
Georgia	X		15 and younger	

State	Motorcycle helmets		Bicycle helmets (Local law may require helmet use for some or all bicyclists)	
	Universal law (covers all riders)	Partial law (covers young riders or some adult riders)	Bicyclists covered by state law	No state law
Hawaii		17 and younger	15 and younger	
Idaho		17 and younger		X
Illinois	no motorcycle helmet use law			X
Indiana		17 and younger		X
Iowa	no motorcycle helmet use law			X
Kansas		17 and younger		X
Kentucky		20 and younger ^{2,3}		X
Louisiana	X		11 and younger	
Maine		14 and younger ³	15 and younger	
Maryland	X		15 and younger	

State	Motorcycle helmets		Bicycle helmets (Local law may require helmet use for some or all bicyclists)	
	Universal law (covers all riders)	Partial law (covers young riders or some adult riders)	Bicyclists covered by state law	No state law

Massachusetts	X		1 through 16 (riding with children younger than 1 prohibited)	
Michigan	X			X
Minnesota		17 and younger ³		X
Mississippi	X			X
Missouri	X			X
Montana		17 and younger		X
Nebraska	X			X
Nevada	X			X
New Hampshire	no motorcycle helmet use law		15 and younger (eff. 1/1/06)	
New Jersey	X		16 and younger (eff. 3/1/06)	

State	Motorcycle helmets		Bicycle helmets (Local law may require helmet use for some or all bicyclists)	
	Universal law (covers all riders)	Partial law (covers young riders or some adult riders)	Bicyclists covered by state law	No state law
New Mexico		17 and younger		X
New York	X		1 through 13 (riding with children younger than 1 prohibited)	
North Carolina	X		15 and younger	
North Dakota		17 and younger ⁴		X
Ohio		17 and younger ⁵		X
Oklahoma		17 and younger		X
Oregon	X		15 and younger	
Pennsylvania		20 and younger ⁶	11 and younger	
Rhode Island		20 and younger ⁶	15 and younger	
South Carolina		20 and younger		X

State	Motorcycle helmets		Bicycle helmets (Local law may require helmet use for some or all bicyclists)	
	Universal law (covers all riders)	Partial law (covers young riders or some adult riders)	Bicyclists covered by state law	No state law
South Dakota		17 and younger		X
Tennessee	X		15 and younger	
Texas		20 and younger ²		X
Utah		17 and younger		X
Vermont	X			X
Virginia	X			X
Washington	X			X
West Virginia	X		14 and younger	
Wisconsin		17 and younger ³		X
Wyoming		18 and younger		X

¹Alaska's motorcycle helmet use law covers passengers of all ages, operators younger than 18, and operators with instructional permits.

²In Florida and Kentucky, the law requires that all riders younger than 21 yrs. wear helmets, without exception. In Florida, those 21 yrs. and older may ride without helmets only if they can show proof that they are covered by a medical insurance policy. Texas exempts riders 21 yrs. or older if they either 1) can show proof of successfully completing a motorcycle operator training and safety course or 2) can show proof of having a medical insurance policy.

³Motorcycle helmet laws in Kentucky, Maine, Minnesota, and Wisconsin also cover operators with instructional/learner's permits. Maine's motorcycle helmet use law also covers passengers 14 years and younger and passengers if their operators are required to wear a helmet.

⁴North Dakota's motorcycle helmet use law covers all passengers traveling with operators who are covered by the law.

⁵Ohio's motorcycle helmet use law covers all operators during the first year of licensure and all passengers of operators who are covered by the law.

⁶Rhode Island's motorcycle helmet use law covers all passengers (regardless of age) and all operators during the first year of licensure (regardless of age). Pennsylvania's motorcycle helmet use law covers all operators during the first two years of licensure unless the operator has completed the safety course approved by the department or the Motorcycle Safety Foundation.

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